

CT  
120 S. Central

# IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

BELLON, DONALD ETAL

PLAINTIFF

VS

TSA STORES INC

DEFENDANT. . . AND

TSA STORES INC

DEF/THIRD PARTY PLAINTIFF

VS

HUFFY CORPORATION

THIRD PARTY DEFENDANT

06CC-001407 I CV 2

CASE NUMBER

## THIRD - PARTY SUMMONS

THE STATE OF MISSOURI TO: THIRD PARTY DEFENDANT (1)

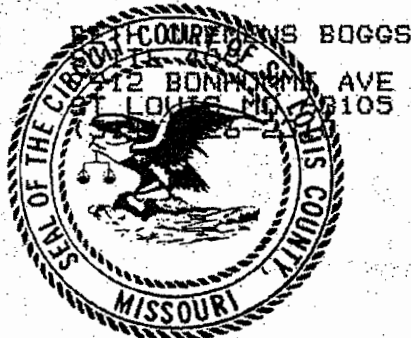
HUFFY CORPORATION  
ICT CORPORATION SYSTEM - REG  
120 SOUTH CENTRAL AVENUE  
CLAYTON, MO. 63105

*23 Troutman  
MP*

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THE ABOVE-NAMED COURT AND TO FILE YOUR PLEADING TO THE PETITION, COPY OF WHICH IS ATTACHED HERETO, AND TO FILE YOUR PLEADING TO THE THIRD-PARTY PETITION, COPY OF WHICH IS ATTACHED HERETO, AND TO SERVE A COPY OF EACH OF YOUR SAID PLEADINGS UPON ATTORNEY(S) FOR PLAINTIFF, ATTORNEY(S) FOR DEFENDANT AND THIRD-PARTY PLAINTIFF(S), ALL WITHIN 30 DAYS AFTER THE SERVICE OF THIS SUMMONS UPON YOU, EXCLUSIVE OF THE DAY OF SERVICE. IF YOU FAIL TO DO SO, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE THIRD-PARTY PETITION.

DATE ISSUED: SEPTEMBER 8, 2006

ATTORNEY:



Received  
2006 SEP - 8 PM 4:05  
St Louis County  
Sheriff's Office

SEP 11 2006

JOAN M. GILMER, Circuit Clerk

By Janet Gallo  
Deputy Clerk (JG)

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314/615-8029, FAX 314/615-8739, or TTY at 314/615-4567, at least three business days in advance of the court proceeding.

## NOTICE TO SHERIFF - DOCUMENTS TO BE SERVED WITH PETITION

- |   |   |
|---|---|
| <input type="checkbox"/> Certificate of Dissolution of Marriage | <input type="checkbox"/> FC Filing Certificate  |
| <input type="checkbox"/> Financial Statements                   | <input type="checkbox"/> Motion/Affidavit for PDL   |
| <input type="checkbox"/> Notice                                 | <input type="checkbox"/> Order of Appointment of Next Friend                                |
| <input type="checkbox"/> Temporary Restraining Order            | <input type="checkbox"/> Request for Production   |
| <input type="checkbox"/> Interrogatories                        | <input type="checkbox"/> Limited Entry of Appearance  |
| <input type="checkbox"/> Other (Specify) _____                  | <input checked="" type="checkbox"/> Notice of Parent Education Class/<br>Mediation Services |

## RETURN OF SERVICE OF SUMMONS

I hereby certify that I have served the within summons:

(1) By delivering on the \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_ a copy of the summons, petition, and any documents checked above to the within-named defendant/respondent \_\_\_\_\_

(2) By leaving on the \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_ for the within named defendant/respondent \_\_\_\_\_ a copy of the summons, petition, and any documents checked above at the dwelling place or usual place of abode of said defendant/respondent with some person of his or her family over the age of 15 years;

(3) By \_\_\_\_\_ I hereby certify that on this date SEP 13 2006 in St. Louis County, at 120 S. Central Ave., I served a copy of the within on the defendant named by delivering a copy to CT CORP., THE CORP. CO., the registered agent of the defendant, by leaving copy with E. Love, E. King, Meehan, \_\_\_\_\_ County, Missouri.

All done in \_\_\_\_\_

Sheriff's fees: \_\_\_\_\_

Summons \_\_\_\_\_

Non est \_\_\_\_\_

Mileage \_\_\_\_\_

Total \_\_\_\_\_

Jim Buckles

Sheriff, St. Louis County

by: R. T. [Signature]

Deputy Sheriff

Sheriff of \_\_\_\_\_ County, Missouri

By \_\_\_\_\_  
Deputy Sheriff

## CERTIFICATE OF MAILING

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_, I mailed a copy of the summons, petition and any documents checked above to defendant/respondent by (registered) (certified) mail, requesting a return receipt signed by the addressee only, to the defendant/respondent at the address furnished by plaintiff(s)/petitioner(s).

JOAN M. GILMER, Circuit Clerk

Date \_\_\_\_\_

By \_\_\_\_\_  
Deputy Clerk

**IMPORTANT NOTICE TO NON- MISSOURI SHERIFF**  
A special return with instruction is attached for your use.

RECEIVED & FILED  
CIRCUIT COURT OF  
ST. LOUIS COUNTY  
2006 SEP 15 PM 2:36  
JOAN M. GILMER  
CIRCUIT CLERK

F:\LOK\_data\967\002\Counterclaim.wpd\WJT\sb

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI

201 SEP 12 PM 3: 38

DONALD D. BELLON,

Plaintiff,

V.

TSA STORES, INC.,

Defendant.

Cause No.: 06CC-001407 I CV

Division: 20

JOHN W. GILMER  
CIRCUIT CLERK

## TSA STORES, INC.'S COUNTERCLAIM AGAINST PLAINTIFF DONALD D. BELLON

COMES NOW Defendant, TSA STORES, INC., by and through its attorneys, BETH C. BOGGS and BOGGS, BOGGS & BATES, L.L.C., pursuant to Rule 55.32, Missouri Rules of Civil Procedure, and for its Counterclaim against Plaintiff Donald D. Bellon, states as follows:

1. Plaintiff, Donald D. Bellon, filed his Petition against TSA Stores, Inc. on April 4, 2005, alleging that TSA Stores, Inc. is strictly liable for the death of Mary Carol Bellon (hereinafter "Decedent") due to alleged defects in a basketball goal pole that TSA Stores, Inc. allegedly sold.
2. Plaintiff has alleged that the subject basket ball pole broke fractured when Decedent placed her hands and weight upon it, that the pole fell upon her person, and that Decedent was killed as a result. Petition, ¶10.
3. Defendant TSA Stores, Inc. denies that it is liable to Plaintiff.
4. Upon information and belief, the pole may have fractured as a result of Decedent swinging from the same, the fracture point in the pole was located in its base at or below ground level, and the fracture may have been caused, in whole or in part, by rust and corrosion of the pole.

5. Upon information and belief, the pole was packaged and sold to Plaintiff with materials directing the installer of the pole to place a graduated berm around the perimeter of the base of the pole in order to allow for water drainage and to prevent corrosion caused by continued exposure to water.

6. Upon information and belief, Plaintiff installed the pole, and in doing so, he failed to place a graduated berm around the perimeter of the base of the pole as directed by the accompanying installation instructions.

7. Defendant TSA Stores, Inc. submits that Plaintiff's claimed damages, if any, were caused or directly contributed to by his own negligence, in one or more of the following respects:

- a. Plaintiff was negligent in failing to read and/or abide by the installation instructions accompanying the subject basketball goal pole;
- b. Plaintiff was negligent in failing to place a graduated berm around the perimeter of the base of the pole as directed by the installation instructions accompanying the subject basketball goal pole;
- c. Plaintiff was negligent in failing to regularly inspect the integrity of the subject basketball goal pole.

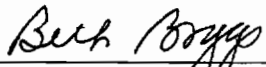
8. In the event that Defendant TSA Stores, Inc. is found liable to Plaintiff, Defendant TSA Stores, Inc. is entitled to contribution from Plaintiff in an amount proportionate to the relative degree of fault of Plaintiff.

WHEREFORE, Defendant TSA Stores, Inc. prays that if Plaintiff recovers a judgment against it, that it Defendant TSA Stores, Inc. be granted a judgment against Plaintiff for

contribution in an amount proportionate to the fault of Plaintiff, and for such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

**TSA STORES, INC.**

By:   
Beth C. Boggs, #43089

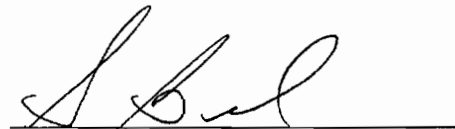
BOGGS, BOGGS & BATES, L.L.C.  
7912 Bonhomme Avenue, Suite 400  
St. Louis, MO 63105  
(314) 726-2310 PHONE  
(314) 726-2360 FAX  
E-Mail: [bbblawyers@AOL.com](mailto:bbblawyers@AOL.com)  
**Attorneys for Defendant**

**CERTIFICATE OF SERVICE**

6 The undersigned hereby certifies that a copy of the foregoing was forwarded this day of September, 2006, to:

Mr. Theodore H. Hoffman  
Mr. Steven M. Gelfman  
Hoffman & Gelfman Attorneys, P.C.  
Attorneys at Law  
133 South 11<sup>th</sup> Street, Suite 310  
St. Louis, MO 63102-1135  
(314) 241-1020 PHONE  
(314) 241-1023 FAX  
**Attorneys for Plaintiff**

Mr. Adam M. Goffstein  
Adam M. Goffstein, LLC  
Attorney at Law  
7777 Bonhomme Avenue, Suite 1920  
St. Louis, MO 63105  
(314) 725-5151 PHONE  
(314) 725-5161 FAX  
**Attorney for Plaintiff**





STATE OF MISSOURI     )  
                                      ) SS.  
COUNTY OF ST. LOUIS    )

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI

DONALD BELLON,

Plaintiff,

-VS-

TSA STORES, INC.,  
Serve: CT Corporation Systems,  
120 South Central Avenue  
Clayton, MO 63105,

Defendant.

Cause No.

Division No.

WRONGFUL DEATH

DEMAND FOR JURY TRIAL

20

06CC-001607

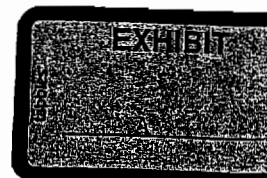
2006-10-14 PM 2:25

RECEIVED  
CLERK OF COURT  
ST. LOUIS, MO

PETITION

Comes now plaintiff, Donald Bellon, and for his cause of action against defendant, TSA STORES, INC., states as follows:

1. That plaintiff is the surviving spouse of Mary Carol Bellon, deceased.
2. That this suit is being brought and prosecuted by virtue of Sections 537.080, 537.090 and 537.095 Revised Statutes of the State of Missouri, as amended.
3. Plaintiff Donald Bellon states that Mary Carol Bellon died on November 28, 2004 and this suit is being brought within the time prescribed by statute.
4. That defendant TSA Stores, Inc. was at all times mentioned a corporation organized and existing by virtue of law and conducts its business under the name of Sports Authority.



5. That at all times mentioned this defendant conducted a business of selling to the public various merchandise used in the field of sports including the basketball pole referred to herein.

6. That the basketball pole referred to was placed into commerce by this defendant through retail sale.

7. That said basketball pole was in substantially the same condition when sold and placed into commerce by defendant as at the time of the injuries suffered by Mary Carol Bellon.

8. That at the time Mary Carol Bellon suffered her injuries and resulting death, the basketball pole was being used in the manner for the purpose for which it was intended.

9. That prior to the event of November 27, 2004 hereafter referred to, said basketball pole had been secured in an upright position at the premises located at 7324 Westmoreland, St. Louis County, Missouri.

10. That on November 27, 2004 at the above premises, deceased, Mary Carol Bellon, placed her hands and weight onto said basketball pole and as a result of same, said pole fractured and fell upon her person all the direct result of defendant's strict liability in tort as hereinafter described and as a result thereof Mary Carol Bellon suffered injuries directly causing her death.

11. That the basketball pole was in a defective and unreasonably dangerous condition and unsafe to the class of reasonably foreseeable users to which Mary Carol Bellon belonged and as a result thereof defendant is strictly liable in tort for the injuries and death suffered by Mary Carol Bellon.

12. Plaintiff states that said basketball pole was unreasonably dangerous and defective at the time of its placement in commerce by this defendant in the following respects, to-wit:

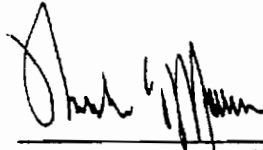
- a) That said pole lacked adequate corrosion resistant materials.
- b) That said pole was built with insufficient thickness to provide a reasonably extended life.
- c) That said pole was of insufficient thickness to allow for corrosion.
- d) That said pole lacked adequate and sufficient coating in the design and construction of same.
- e) That said pole lacked sufficient thickness to support the integrity of same.
- f) That defendant failed to provide adequate instructions and warnings regarding the corrosion of said pole and the risks associated with same.

13. That as a direct result of defendant's strict liability in tort Mary Carol Bellon suffered injuries to her person directly resulting in her death and as a result thereof, plaintiff suffered pecuniary damage and did incur expenses associated with funeral and burial costs and further did incur expenses for medical care and treatment of Mary Carol Bellon associated with the injuries referred to above and this plaintiff was further deprived of her services, consortium, companionship, comfort and console of his deceased spouse.

WHEREFORE, plaintiff prays judgment against defendant for such sum which is fair and reasonable in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) to compensate plaintiff for injuries and damages suffered together with costs expended herein, and for such further orders as the Court deems just and proper.



HOFFMAN & GELFMAN  
ATTORNEYS, P.C.



---

Theodore H. Hoffman #15652  
Steven M. Gelfman #48207  
133 South 11th Street, Suite 310  
St. Louis, MO 63102-1135  
(314) 241-1020  
(314) 241-1023 (facsimile)

ADAM M. GOFFSTEIN, L.L.C.



---

Adam M. Goffstein #45611  
7777 Bonhomme Avenue, Suite 1920  
St. Louis, MO 63105  
(314) 725-5151  
(314) 725-5161 (facsimile)

Attorneys for Plaintiff



4. Third Party Defendant Huffy Corporation, as the product manufacturer, was negligent in the manufacture and design of the subject basketball pole goal, and is strictly liable for defects in the same, in that:

- a) The pole lacked adequate corrosion resistant materials;
- b) The pole was built with insufficient thickness to provide a reasonably extended life;
- c) The pole was of insufficient thickness to allow for corrosion;
- d) The pole lacked adequate and sufficient coating in the design and construction of the same;
- e) The pole lacked sufficient thickness to support the integrity of the same;
- f) The pole was not accompanied with adequate instructions and warnings regarding the corrosion of said pole and the risks associated with the same.

5. Plaintiff's alleged damages and the death of Mary Carol Bellon were proximately caused by the defects, negligence and omissions of Third Party Defendant Huffy Corporation, as set forth in Paragraph 4 above.

6. Defendant/Third Party Plaintiff TSA Stores, Inc. is entitled to contribution from Third Party Defendant Huffy Corporation in an amount proportionate to the fault of Third Party Defendant Huffy Corporation.

WHEREFORE, Defendant/Third Party Plaintiff TSA Stores, Inc., respectfully requests that if judgment is entered against it and in favor of Plaintiff, that this Court enter a judgment against Third Party Defendant Huffy Corporation for contribution in an amount proportionate to the fault of Third Party Defendant Huffy Corporation, and for such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

**TSA STORES, INC.**

By: Beth C. Boggs  
Beth C. Boggs, #43089

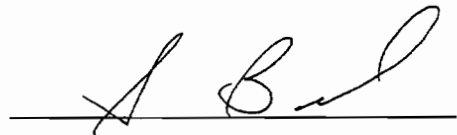
BOGGS, BOGGS & BATES, L.L.C.  
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E-Mail: [bbblawyers@AOL.com](mailto:bbblawyers@AOL.com)  
**Attorneys for Defendant**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was forwarded this  
2 day of Aug, 2006, to:

Mr. Theodore H. Hoffman  
Mr. Steven M. Gelfman  
Hoffman & Gelfman Attorneys, P.C.  
Attorneys at Law  
133 South 11<sup>th</sup> Street, Suite 310  
St. Louis, MO 63102-1135  
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**Attorneys for Plaintiff**

Mr. Adam M. Goffstein  
Adam M. Goffstein, LLC  
Attorney at Law  
7777 Bonhomme Avenue, Suite 1920  
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(314) 725-5151 PHONE  
(314) 725-5161 FAX  
**Attorney for Plaintiff**

A handwritten signature in black ink, appearing to read 'A. M. Goffstein', is written over a horizontal line.



STATE OF MISSOURI     )  
                                      ) SS.  
COUNTY OF ST. LOUIS   )

IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI

DONALD BELLON,

Plaintiff,

-vs-

TSA STORES, INC.,  
Serve: CT Corporation Systems,  
120 South Central Avenue  
Clayton, MO 63105,

Defendant.

Cause No.

Division No.

WRONGFUL DEATH

DEMAND FOR JURY TRIAL

20

06CC-001607

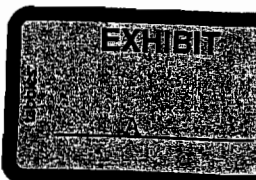
2007-10-13 PM 6:25

RECEIVED  
ST. LOUIS  
CIRCUIT COURT

PETITION

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2. That this suit is being brought and prosecuted by virtue of Sections 537.080, 537.090 and 537.095 Revised Statutes of the State of Missouri, as amended.
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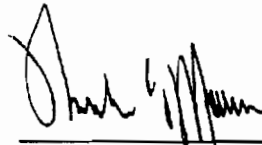
12. Plaintiff states that said basketball pole was unreasonably dangerous and defective at the time of its placement in commerce by this defendant in the following respects, to-wit:

- a) That said pole lacked adequate corrosion resistant materials.
- b) That said pole was built with insufficient thickness to provide a reasonably extended life.
- c) That said pole was of insufficient thickness to allow for corrosion.
- d) That said pole lacked adequate and sufficient coating in the design and construction of same.
- e) That said pole lacked sufficient thickness to support the integrity of same.
- f) That defendant failed to provide adequate instructions and warnings regarding the corrosion of said pole and the risks associated with same.

13. That as a direct result of defendant's strict liability in tort Mary Carol Bellon suffered injuries to her person directly resulting in her death and as a result thereof, plaintiff suffered pecuniary damage and did incur expenses associated with funeral and burial costs and further did incur expenses for medical care and treatment of Mary Carol Bellon associated with the injuries referred to above and this plaintiff was further deprived of her services, consortium, companionship, comfort and console of his deceased spouse.

WHEREFORE, plaintiff prays judgment against defendant for such sum which is fair and reasonable in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) to compensate plaintiff for injuries and damages suffered together with costs expended herein, and for such further orders as the Court deems just and proper.

HOFFMAN & GELFMAN  
ATTORNEYS, P.C.



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Steven M. Gelfman #48207  
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(314) 241-1020  
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ADAM M. GOFFSTEIN, L.L.C.



---

Adam M. Goffstein #45611  
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St. Louis, MO 63105  
(314) 725-5151  
(314) 725-5161 (facsimile)

Attorneys for Plaintiff

In the

**CIRCUIT COURT**

of St. Louis County, Missouri



For File Stamp Only

Donald D. Bellon

Plaintiff(s)

vs.

TSA Stores, Inc.

Defendant(s)

Date

9/6/06  
06CC-14071 CV

Case Number

20

Division

L  
KIM M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTYORDER

Defendant's Motion for Leave to File Third Party Complaint and Motion for<sup>2</sup> Leave to File Counterclaim was called, heard and sustained. Leave is hereby granted to file Third Party Complaint and counterclaim, and summons is ordered to issue on Third Party Complaint. Plaintiff objects not.

**SO ORDERED**

Judge

Colleen

ENTERED:

9-6-06  
(Date)

CCOPR47 Rev. 5/95

Attorney

48038

Bar No.

Address

7912 Bonhomme, Ste 400for A TSA stores, Inc

Phone No.

A. GOTTSTEINATTY AT  
L.45611

Fax No.

Attorney

7777 Bonhomme Ave Suite 1910

Bar No.

Address

725-5151

Phone No.

Fax No.



In the  
**CIRCUIT COURT**  
of St. Louis County, Missouri



For File Stamp Only

**FILED**

AUG 23 2006

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

DONALD D. BELLON

Plaintiff(s)

8/8/06

Date

06CC-001407 I CV

Case Number

20

Division

vs.

TSA STORES, INC.

Defendant(s) /Third Party Plaintiff

v.

HUFFY CORPORATION, Third Party Defendant

**SUBPOENA FOR TAKING DEPOSITION**

[FOR USE PURSUANT TO RULE 57.09 IN AN ACTION PENDING IN THE CIRCUIT COURT OF ST. LOUIS COUNTY]

THE STATE OF MISSOURI to:

University City Police Department

Attn: Custodian of Records

Captain Jackson

6801 Delmar Blvd., St. Louis, MO 63130

YOU ARE HEREBY COMMANDED TO APPEAR at the following place on the date and at the time indicated below:

Place of deposition:

Date of deposition:

Tuesday, August 22, 2006

Time of deposition:

10:00 a.m.

☐ To give testimony in the above cause pending in the Circuit Court of St. Louis County.

☒ To produce the following books, papers, documents, or tangible things: Copies of any  
and all photographs related to or referenced in the University City Police

Department Report, #04-42527, specifically those photographs taken by Detective  
Jennifer McClain, Badge 400.

\*\*\* In lieu of appearing for deposition, you may forward the records to Douglas B. Keane, Attorney for Defendant TSA Stores, Inc., prior to the deposition.

WITNESS, Joan M. Gilmer, Clerk of the Circuit Court, with the seal thereof hereto affixed, at Clayton, in the County of St. Louis, this 10th day of August, 2006.

  
JOAN M. GILMER, Circuit Clerk

**SPECIAL NEEDS:** If you have special needs addressed by the Americans with Disabilities Act, please notify the party in whose office you are to appear for the deposition.




**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was forwarded this 10<sup>th</sup> day of August, 2006, to:

Mr. Theodore H. Hoffman  
Mr. Steven M. Gelfman  
Hoffman & Gelfman Attorneys, P.C.  
Attorneys at Law  
133 South 11<sup>th</sup> Street, Suite 310  
St. Louis, MO 63102-1135  
(314) 241-1020 PHONE  
(314) 241-1023 FAX  
**Attorneys for Plaintiff**

Mr. Adam M. Goffstein  
Adam M. Goffstein, LLC  
Attorney at Law  
7777 Bonhomme Avenue, Suite 1920  
St. Louis, MO 63105  
(314) 725-5151 PHONE  
(314) 725-5161 FAX  
**Attorney for Plaintiff**

  
\_\_\_\_\_

cc: University City Police Department  
Attn: Custodian of Records  
Captain Jackson  
6801 Delmar Blvd.  
St. Louis, MO 63130

Miles Reporting  
1339 North 17th Street, Ste. 102  
Belleville, IL 62226  
(618) 235-2633 - Phone  
(618) 235-2641 - Fax  
**Court Reporter**

UNIVERSITY CITY POLICE DEPARTMENT  
LAW ENFORCEMENT OFFENSE / INCIDENT REPORT

2. OFFICER INJURED YES ( ) NO (x)		3. PROCESSED BY 780		4. CODE 85		5. REPORT FOR 85		6. PAGE 1 OF 2		7. REPORT NUMBER 04-42527	
8. TYPE OF INCIDENT Accidental Injury				9. SIC 2015		11. HOW COMPLAINT RECEIVED (x) RADIO ( ) PHONE ( ) ON VIEW ( ) CITIZEN ( ) STATION				12. ARRIVAL TIME 2258	
13. ORIGINALLY RECEIVED AS Accidental Injury						14. OTHER UNITS NOTIFIED (DSN AND UNIT)					
15. DAY, DATE, TIME OF OCCURRENCE Saturday, 11/27/2004, 2250 hours				16. DAY, DATE, TIME REPORTED Sat. 11/27/04, 2253 hours				17. STATUS (x) ACTIVE ( ) CLEARED BY ARREST ( ) INACTIVE ( ) UNFOUNDED ( ) EXCEPTIONALLY CLEARED			
18. LOCATION OF OCCURRENCE - STREET ADDRESS / APARTMENT COMPLEX / HOTEL 7324 Westmoreland University City, MO 63130								19. UNIT NUMBER 23		21. GEO CODE 207.0	
22. TYPE OF PREMISES (DRUGSTORE, GARAGE, ETC.) Private Driveway				23. POINT OF ENTRY				24. P.O.E. VISIBLE TO PATROL YES( ) NO ( )			
25. METHOD OF ENTRY				26. TOOLS USED		27. POINT OF EXIT		28. WEAPONS / OBJECTS USED OR DISPLAYED			
29. VICTIM (IF FIRM, NAME AND TYPE OF BUSINESS) BELLON, MARY CAROL				30. RESIDENCE ADDRESS 7324 Westmoreland University City, Mo 63130				31. RES. PHONE 314-725-2848			
32. BUSINESS ADDRESS 900 S. Vandeventer Ave. St. Louis, MO				33. BUS. PHONE 314-436-0036							
34. RACE W		35. GENDER F		36. AGE 56		37. DATE OF BIRTH 01/14/1948		38. PLACE OF BIRTH St. Louis, MO		39. OCCUPATION Chief Financial Officer	
40. MARTIAL STATUS Married											
41. VICTIM CONVEYED TO Barnes-Jewish Hospital		42. VICTIM CONVEYED BY U-City Ambulance		43. HOSPITAL DISPOSITION: (x) ADMITTED ( ) LEFT ( ) TREATED & RELEASED ( ) D.O.A.				44. INJURIES: ( ) FATAL ( ) NOT APPARENT (x) EVIDENT (x) DISABLING ( ) UNKNOWN			
45. CODE		1. REPORTING PARTY		3. WITNESS		5. TITLE HOLDER		7. LAST PERSON IN POSSESSION		9. PARENT	
46. NAME (LAST NAME FIRST)		2. PERSON SECURING PREMISES		4. OWNER		6. PERSON DISCOVERING CRIME		8. GUARDIAN		10. INSURANCE	
45A.		46A.		47A. RESIDENCE 7324 Westmoreland University City, Mo 63130				48A. 314-725-2848			
1,3		Bellon, Donald J.		47B. BUSINESS 900 S. Vandeventer St. Louis, MO				48B. 314-436-0036			
45B.		46B.		47B. RESIDENCE				48B.			
				47C. BUSINESS				48C.			
45C.		46C. INSURANCE AGENT		47C. BUSINESS				48C.			
		INSURANCE COMPANY		BUSINESS							
VEHICLE CODE:		1. STOLEN		2. USED		3. WANTED		4. HELD AS EVIDENCE		5. VICTIMS VEHICLE	
49. CODE		50. YEAR		51. MAKE		52. MODEL		53. STYLE		54. TYPE	
55. COLOR		56. I.D. NUMBER		57. LICENSE NUMBER		58. STATE		59. YEAR		60. PLATES MISSING YES( ) NO( )	
61. KEYS IN VEHICLE YES( ) NO( ) UNK( )		62. DOORS LOCKED YES( ) NO( )		63. VALUE		64. REFERENCE NUMBER		65. CODE		66. QUANTITY	
67. PROPERTY DESCRIPTION: BRAND NAME, SERIAL NUMBER, MODEL/STYLE, OPERATOR ID#		68. VALUE		69. RECOVERED		70. REFERENCE #		71. NARRATIVE		72. TOTAL	
73. TOTAL		74. OPERATION IDENT		75. SUBMITTED BY OFFICER/DSN P. R. #331		76. DATE 11/27/2004		77. MSG#		78. SUPERVISORS INITIALS HD	
79. REVIEWING OFFICER/DSN											

"SEE CONTINUATION"

04-42527

04-42527 - Mary Bellon - Victim

1

## University City PD

04-42527

Victim

## Name

Surname Bellon

Given 1 Mary

Given 2

Given 3

Alias

Maiden/Nee

Home Ph# 314-862-7452

Business Ph#

Ext

DOB 01/14/1948

Sex

Male

Marital Status

Married

Apparent Age  
(If DOB Unknown)

Race

White

SSN#

492-54-7243

DL#

DL Prov./State

☐ Commercial DL

Place of Employment

Occupation

## Address

7324 Westmoreland  
University City, MO  
63130

## Person Descriptors

Photo:

Height

Weight

Build

Ethnicity

Complexion

Hair Color

Hair Length

Hair Style

Facial Hair

Teeth

Speech

R-L Handed

Eye Color

Eye Appearance

☐ Glasses

Place of Birth

☐ Resident☐ Non-Resident

Country of Citizenship

Arrest#

LID#

FP#

Ref#

Marks, scars, outstanding  
features

Tattoos

Physical/Mental  
Condition

NCIC Caution

☐ Violent ☐ Mental  
☐ Escape Risk ☐ Suicidal

Sobriety

☐ Sober ☐ HBD  
☐ Intox ☐ Drugs



IF ADDITIONAL SPACE IS NEEDED  
USE ANOTHER CONTINUATION FORM

1. DEPARTMENT REPORTING

UNIVERSITY CITY POLICE DEPARTMENT

FORM NO F-9L

CONTINUATION

2. DEF

IT FILE NUMBER

04-42527

3. DATE OF THIS REPORT

11/27/2004

DETAILS STOLEN PROPERTY  
PERSONS  
WANTED-ARRESTED-VICTIM-  
WITNESS

4.

2

2

PAGE

OF

PAGES

5. VICTIM OR COMPLAINANT

Bellon, Mary Carol

6. PLACE OF OCCURRENCE

7324 Westmoreland University City, MO 63130

I responded to 7324 Westmoreland for a report of an accidental injury. Upon arrival I observed the victim, Mary J. Bellon, lying on her right side on the driveway 1-2 feet behind a parked vehicle. The back of the vehicle was just a few feet south of the rear door of the home. The vehicle was positioned behind Mary Bellon. In front of her, about 1 foot away, was a basketball pole with the rim and backboard attached. There was a small pool of blood under Bellon's head and no blood anywhere else near the scene. I observed a concave area on the left side of Bellon's forehead that was roughly the same width and shape as the basketball pole's width. Mrs. Bellon's eyes were closed. Mrs. Bellon was moaning but she was not able to answer questions.

Donald Bellon and his neighbor, who stated he was a doctor, were kneeling over Mrs. Bellon. With the assistance of the neighbor, I moved the basketball pole out of the driveway to make room for the paramedics and the stretcher. The pole was made of steel and was about 10 feet long and weighed roughly 150 - 200 lbs.

When the paramedics arrived, I asked Mr. Bellon what had happened. He told me that he and Mrs. Bellon had just returned from dining out. Mrs. Bellon had exited the vehicle and used the pole to steady herself. He stated that the pole was rusted at the bottom and broke off when she put her weight on it. As the pole fell she lost her balance and fell as well. The pole struck Ms. Bellon on the forehead at the same time her head hit the concrete driveway. Mr. Bellon stated that he had moved the pole off of her and went inside to call the ambulance.

I did observe rust around the bottom of the pole.

The paramedics placed Mrs. Bellon on the stretcher and took her to the ambulance. She was then transported to Barnes-Jewish Hospital for treatment.

University City PD

04-42527

General Occurrence

Dist/Div Bureau of Field Operations

Patrol Area/Zone 2070

Complaint Type 3400 - Accidental Injury

Incident Type

Date and Time Reported 11/27/2004 10:52 PM

How Committed

Means (Weapons, Tools Used)

Date and Time Committed

On or From 11/27/2004 10:52 PM

To

Address

7324 Westmoreland  
University City

Statistics

UCR - Not Reportable

Incident Type

Special Report Type:

Comments

(Cross refs and notes)

Occurrence Synopsis

On 12/01/04 I was contacted by Sgt. Berryman who notified me that on Saturday, November 27, 2004 University City Police and Fire Department responded to 7324 Westmoreland for an accidental injury. The victim, Mary Bellon was struck by a basketball pole and transported to Barnes-Jewish Hospital for treatment. Sgt. Berryman received a call from St. Louis City Medical Examiner's office and was informed the victim, Mary Bellon had died on 11/28/04 from her injuries.

I contacted St. Louis City Medical Examiner's office and spoke with Randy Hayes and he informed me that Mary Bellon had died as a result of the basketball pole falling on top of her. Hayes said the cause of death was blunt trauma to her head.

On 12/01/04 I responded to the victim's residence and met with her husband, Donald Ballon and I informed him the reason for my visit. Ballon and I sat in his living room while I was asking him about the incident that happened on 11/27/04. Ballon stated he went to dinner with his wife, son, and another couple at Space. Ballon said they went to dinner around 8:00 PM and returned home around 10:30 PM. Ballon said during dinner they had a conversation about people dancing on poles. Ballon said his wife told him that she would be able to dance on poles with no problem. Ballon said they all told his wife that she could not dance on poles and that it was not her personality to dance on poles. Ballon said when they arrived home after dinner they pulled into the back of their driveway and parked. Ballon said there were a couple of

04-42527 - Donald Bellon - Witness

1

University City PD

04-42527

Witness

<b>Name</b>			
Surname <b>Bellon</b>			
Given 1 <b>Donald</b>	Given 2	Given 3	
Alias		Maiden/Nee	
Home Ph# <b>314-862-7452</b>	Business Ph#	Ext	
DOB	Sex <b>Male</b>	Marital Status	<b>Widowed</b>
Apparent Age (If DOB Unknown)	Race	SSN#	
DL#	DL Prov./State	<input type="checkbox"/> Commercial DL	
Place of Employment <b>Bellon Wrecking and Salvage Company</b>		Occupation	<b>Owner</b>

<b>Address</b>	
<b>7324 Westmorsland University City, MO 63130</b>	

**Person Descriptors**

Photo:			
Height	Weight	Build	
Ethnicity	Complexion		
Hair Color	Hair Length	Hair Style	
Facial Hair	Teeth		
Speech	R-L Handed		
Eye Color	Eye Appearance	<input type="checkbox"/> Glasses	
Place of Birth			
<input type="radio"/> Resident <input type="radio"/> Non-Resident	Country of Citizenship		
Arrest#	LID#		
FP#	Ref#		
Marks, scars, outstanding features			
Tattoos	Physical/Mental Condition		
NCIC Caution	<input type="checkbox"/> Violent <input type="checkbox"/> Mental <input type="checkbox"/> Escape Risk <input type="checkbox"/> Suicidal	Sobriety	<input type="checkbox"/> Sober <input type="checkbox"/> HBD <input type="checkbox"/> Intox <input type="checkbox"/> Drugs

vehicles already parked in the driveway. Bellon said he drove home from the restaurant. Bellon said when they arrived home both of them got out of the car. Bellon said his wife pointed out to him that there was a pole and pointed to the basketball pole. Bellon said his wife said, "Look I can dance on a pole." Bellon said he was standing about fifteen feet away from his wife at this time. Bellon said his wife grabbed onto the pole and swung around the pole on full time with her feet not touching the ground. Bellon said after she swung one full time around the pole, the pole "snapped" and his wife fell to the ground and the pole fell on top of her. Bellon said it happened so quickly that he was not able to help his wife. Bellon said after the pole fell on his wife he went to see if she o.k. and she saw that she was not so he call 911 and requested an ambulance because his wife was injured. Bellon said after he called 911, he called his neighbor, Dr. Greco. Bellon said he called Dr. Greco because he was a doctor and he might have known what to do. Bellon said he was the only one home. Bellon said Dr. Greco responded before the police and ambulance arrived. Bellon said Dr. Greco was helping his wife but he was not sure exactly what he was doing. Bellon stated he does not remember a lot from that night since it was such a dramatic night. Bellon stated the police and ambulance then arrived. Bellon stated the paramedics attended to his wife and then conveyed her to the ambulance. Bellon said the ambulance took his wife to the hospital and he drove himself to the hospital. Bellon said he was not sure but he thinks he helped move the basketball pole from the driveway to the grassy area with the help from Dr. Greco and Officer Queen.

Bellon said on November 28, 2004 in the early morning his wife died from her injuries.

Bellon said on Monday, November 29, 2004 his brother's company, Bellon Environmental came over to his house and took away the basketball pole because he did not want his family to see the pole. Bellon said the pole is probably in a dumpster somewhere. Bellon provided me with his brother's telephone number (314-890-8600 ext. 20).

Bellon then escorted me outside in the backyard where the incident occurred. Bellon said he had some guys come over to his house the other day and power washed the driveway because there was a lot of blood. Bellon pointed to the driveway that there had been two vehicles parked in the driveway, one just south of where the basketball pole was standing and one just east of where the basketball pole was standing. Bellon showed the stump of where the basketball pole was implanted in the ground. Bellon said the guys he hired to power wash the driveway also power washed the stump of where the basketball pole was. I saw rust marks in the concrete of the base of the pole. Bellon stated he put up the basketball hoop himself back in the early 90's. Bellon said he was thinking about taking it down a couple of months ago but his son got a free basketball so he kept it up thinking his son was going to play basketball. I took photographs of the driveway and the stump from the basketball pole. Later, at the station I later downloaded them onto the computer.

Bellon also pointed to me that Dr. Greco lives at 7355 Westmoreland.

I attempted to make contact with Paul Bellon at Bellon Environmental but I had to leave him a message asking him to contact me.

Further investigation to follow.

#### Investigation Status and Disposition

Status	Report Pending
Disposition - Cleared By	Unsolved
Clearance Date	
Juvenile Protected Report?	<input type="radio"/> Yes <input checked="" type="radio"/> No

#### Reporting Officer

Officer	Jennifer McClain	Badge	400
Rank	Detective	Dept/Platoon	
Dist/Div	801		



## #04-42527 Occurrence Report

3

## Assigned To

Officer

Rank

Badge

Dist/Div

Dept/Platoon

## Assignment History

## Approving Officer

Officer

David Berryman

Rank

Sergeant

Badge

339

Dist/Div

B01

Dept/Platoon

## Final Approval

Entered By: Lonny Creamer on 12/02/2004 10:09 AM



University City PD

04-42527

Supplementary Report

Subject: Accidental Death, Saturday, 11/27/04, 7324 Westmoreland, D-4, 207.0  
Victim: Mary Bellon, 7324 Westmoreland, 314-862-7452

Date &amp; Time 02/04/2005 04:55 PM

Supplementary Information

In reference to the original report I spoke with Medical examiner, Dr. Graham and he stated he had a conference with Dr. Paul Santiago, Neurosurgeon at Barnes-Jewish Hospital. Dr. Graham stated they reviewed Mary Bellon's medical records including the CAT Scans. Dr. Graham stated Dr. Paul Santiago stated Bellon's injuries were consistent with what Donald Bellon (Mary Bellon's husband) said happened to his wife. Dr. Graham stated at this time there is nothing suspicious with Mary Bellon's death.

## Reporting Officer

Officer Jennifer McClain

Rank Detective

Dist/Div BOI

Badge 400

Dept/Platoon

## Approving Officer

Officer David Berryman

Rank Sergeant

Dist/Div BOI

Badge 339

Dept/Platoon

## Final Approval

New

Entered By: Jennifer McClain/UCity PD on 02/04/2005 05:19 PM

BOI Record Number 16880CASE SCREENING/ASSIGNMENT FORMType of incident Accidental Death Report Number 04-42527

YES	NO		YES	NO	
		Will victim prosecute?			Is stolen property traceable?
		Was there a witness to crime?			Is there a significant MO?
		Can suspect be described, named or located?			Is there significant physical evidence ?
		Can suspect's vehicle be described?			Follow up by Bureau of investigation?

Assignment Section

McClain 400      12/08/04      01/08/05      DAB339  
 Case assigned to (Last Name & DSN)      Date Assigned      Return Due By      Assigned By (Initials & DSN)

REMARKS /ACTION TAKEN (additional information learned during investigation documents etc.)

**ORIGINAL-Police Officer responded to the victim's residence for an accidental injury. Victim taken to the hospital and later died. Victim's husband stated his wife was swinging around the pole and is collapsed on top of her.**  
**Supplement-Medical Examiner reviewed the victim's medical records and did not find anything suspicious with the victim's injuries that caused her death.**

Assisting Investigators LEMONS, Hull Total Time Spent 650 MinutesWarrant(s) Issued: YES NO Juvenile Referral? No Yes

Victim Contact Information:

12/1 Date First Contacted 12/1 Date Last Contacted 12/1 Unable to make contact Letter sent YES NO

 Submitted by: J McClain, 400 02-04-05  
 Last Name & DSN      Date
 

DISPOSITION SECTION: (Completed by Supervisor)

 Cleared      Inactive      Unfounded      Initials & DSN DAB339      Date 2/4/05